

KATE McKENNA, AICP
Executive Officer

**MINUTES OF THE
LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY**

Adopted on August 24, 2009

An audio/video recording of this meeting is available at the LAFCO office. Please contact us at (831) 754-5838 to arrange a time to listen or to order a copy.

Regular Meeting

Monday, June 22, 2009, 4:00 p.m.

**Board of Supervisors Chambers
Monterey County Government Center
168 West Alisal, First Floor
Salinas, California**

The meeting of the Local Agency Formation Commission (LAFCO) of Monterey County was called to order, by Chair Donohue at 4:06 p.m. in the Monterey County Board of Supervisors Chambers. Chair Donohue led the Pledge of Allegiance.

ROLL CALL

Members Present

Commissioner Donohue, Chair (*City Member*)
Commissioner Salinas, Vice-Chair (*County Member*)
Commissioner Calcagno (*County Member*)
Commissioner Champion (*Special District Member*)
Commissioner Darington, Alternate (*Public Member*)
Commissioner DiMaggio (*Public Member*)
Commissioner Moore, Alternate (*Special District Member*)
Commissioner Perkins (*Special District Member*)
Commissioner Rubio (*City Member*)

Members Not Present, Presence Not Required

Commissioner Armenta, Alternate (*County Member*)
Commissioner Gourley, Alternate (*City Member*)

Staff Present

Kate McKenna, AICP, Executive Officer
Thom McCue, AICP, Senior Analyst
Leslie Girard, LAFCO General Counsel
Rachelle Jones, LAFCO Clerk

Item 4 Special Business

4.a Oath of Office for Re-Appointment of City Member Commissioner Ralph Rubio for a Term Ending in May of 2013 (Administered by Chair Donohue)

Re-appointed City Member on LAFCO, Ralph Rubio, was administered the Oath of Office by Chair Donohue. Commissioner Rubio swore to abide by the oath. His term will expire in May of 2013.

4.b Oath of Office for Re-Appointment of County Member Commissioner Simon Salinas for a Term Ending in May of 2013 (Administered by Chair Donohue)

Re-appointed County Member on LAFCO, Simón Salinas, was administered the Oath of Office by Chair Donohue. Commissioner Salinas swore to abide by the oath. His term will expire in May of 2013.

Item 5: Minutes

5.a Consider and Approve Draft Minutes of April 20, 2009 Regular LAFCO Meeting.

There were no public comments for these items.

Commission Action

Upon Motion of Commissioner Calcagno, seconded by Commissioner Perkins, Minutes of the April 20, 2009 Regular LAFCO Meeting, were adopted by the following vote:

AYES:	Commissioners Calcagno, Perkins, Champion, Donohue, and Salinas
NOES:	None
ABSENT:	None
ABSTAIN:	Commissioners DiMaggio and Rubio

5.b Accept Draft Meeting Notes of June 12, 2009 LAFCO Budget and Finance Committee Meeting.

There were no public comments for these items.

Commission Action

Upon Motion of Commissioner Gourley, seconded by Commissioner Calcagno, Meeting Notes of the June 12, 2009 LAFCO Budget and Finance Committee Meeting, were unanimously accepted.

Item 6: Public Comment:

None

Item 7: Commissioner Comment:

None

Item 8 (a-f): Consent Agenda:

There was no public or Commission comment for these items.

Commission Action

Upon Motion of Commissioner Gourley, seconded by Commissioner Darington, Consent Agenda Items (a-f): Register of Checks Paid in April and May 2009, CALAFCO Legislation and Activities Report, List of Anticipated Future Agenda Items, Financial Statements for the Period Ended April 30, 2009, Encumbrance of \$2,500 from Line Item 7100 (Computer Software) for Operating System Software, and Agreement with AFS for Lease of Software for Calculation of Post-Employment Healthcare Liability, were unanimously accepted or approved.

Item 9: Public Hearings

9.a Consideration of the “Rancho Los Robles” Annexation of 33.58 (+/-) acres (Assessor’s Parcel Numbers 412-073-015 and 412-073-002) to the Pajaro County Sanitation District to Provide Sanitary Sewer Services. The Parcels are Located Between Sill and Hall Roads Approximately 650 Feet East of Las Lomas Drive. (LAFCO File 05-04)

Senior Analyst Thom McCue provided report.

Chair Donohue opened this item to public comment.

Public Comment

Mark Blum representing the property owners and petitioners, Heritage Western Communities, commented on the staff report and agreed with staff’s findings and recommendations.

Commission Action

Upon Motion of Commissioner Salinas, seconded by Commissioner Perkins, Resolution Approving the “Rancho Los Robles” Annexation of 33.58 (+/-) acres (Assessor’s Parcel Numbers 412-073-015 and 412-073-002) to the Pajaro County Sanitation District to Provide Sanitary Sewer Services Located between Sill and Hall Roads Approximately 650 Feet East of Las Lomas Drive (LAFCO File 05-04) with changes recommended by staff to Sections 4 and 14 of the Draft Resolution in the Commission packet, was unanimously adopted.

9.b Consideration of the “Abonce” Sphere of Influence Update and Annexation of 4.79 (+/-) acres (Assessor’s Parcel Number 119-131-008) to the Pajaro County Sanitation District to Provide Sanitary Sewer Services. The Parcel, 121A Hall Road, Watsonville, is on the North Side of Hall Road Approximately 360 Feet West of Las Lomas Drive. (LAFCO File 09-01)

Senior Analyst Thom McCue provided report.

Chair Donohue opened this item to public comment.

There was no public comment for this item.

Commission Action

Upon Motion of Commissioner Rubio, seconded by Commissioner Salinas, Resolution Approving the “Abonce” Sphere of Influence Update and Annexation of 4.79 (+/-) acres (Assessor’s Parcel Number 119-131-008) to the Pajaro County Sanitation District to Provide Sanitary Sewer Services to the Parcel, 121A Hall Road, Watsonville, on the North Side of Hall Road and Approximately 360 Feet West of Las Lomas Drive (*LAFCO File 09-01*), was unanimously adopted.

Item 10: New Business

10.a Consideration of the Draft Impartial Ballot Analysis for the Proposed Incorporation of the Town of Carmel Valley (*LAFCO File No. 03-10*)

- (1) Review, Modify as Necessary and Adopt the Attached Impartial Ballot Analysis, Contingent on the Action of the Monterey County Board of Supervisors to Set the Election for the Proposed Incorporation of the Town of Carmel Valley;**
- (2) Direct the Executive Officer to Transmit the Analysis to the Registrar of Voters, and**
- (3) Authorize the Executive Officer to Make Minor Changes to the Analysis if such Changes are Needed to Comply with Requirements of the Monterey County Registrar of Voters.**

Executive Officer McKenna provided report.

Chair Donohue opened this item to public comment.

Public Comment

Frank Lunding provided comments on a letter he submitted outlining three concerns he had with the Draft Impartial Ballot Analysis for the Proposed Incorporation of the Town of Carmel Valley, and requested the impartial analysis be sent back to staff to provide an appropriate version. Milt Kegley commented on the time involved with the proposed incorporation, and thanked Executive Officer McKenna and staff for their efforts with the proposal.

Commission Comment and Action

Commission discussed the Draft Impartial Ballot Analysis for the Proposed Incorporation of the Town of Carmel Valley.

General Counsel Girard recused himself from commenting on the specific content, but did provide direction on general procedural outlines that would apply to any impartial ballot analysis.

Recess was called in order to allow Executive Officer McKenna to discuss changes to the Impartial Ballot Analysis with Special Counsel Egger over the phone.

Meeting reconvened and General Counsel Girard reported on changes to the Impartial Ballot Analysis discussed with Special Counsel Rich Egger during the recess.

Commission further discussed the Draft Impartial Ballot Analysis, including Special Counsel Egger's suggested changes, before a motion was made. The motion included the following changes to the staff recommendations (1) Add the word "financial" in front of the word "responsibility" in fourth paragraph. (2) Delete the fifth paragraph beginning with "As required by State law..." (3) Delete the word "and" in the last paragraph before "the Comprehensive..." (4) Add the line "and the Plan for Services" after "...the Comprehensive fiscal" in the last paragraph.

Upon Motion of Commissioner Salinas, seconded by Commissioner Perkins, the Impartial Ballot Analysis, Contingent on the Action of the Monterey County Board of Supervisors, to Set the Election for the Proposed Incorporation of the Town of Carmel Valley; Direction to the Executive Officer to Transmit the Analysis to the Registrar of Voters, and Authorization for the Executive Officer to Make Minor Changes to the Analysis to Comply with Requirements of the Monterey County Registrar of Voters, with changes suggested by Special Counsel Egger, was approved by the following vote:

AYES: Commissioners Salinas, Perkins, Calcagno, and Donohue
NOES: Commissioners Champion, DiMaggio, and Rubio
ABSENT: None
ABSTAIN: None

Item 11: Executive Officer's Report

Executive Officer McKenna introduced LAFCO volunteer analyst Tom Truskowski, provided a status report on the City of Greenfield's Sphere of Influence terms and conditions negotiations with LAFCO, and reported on the upcoming CALAFCO Board elections.

Commissioner Salinas who now sits on the CALAFCO Board said he is holding off on making his decision to run for reelection.

Item 12: Correspondence

The following items of correspondence were included with the agenda packet for this meeting:

- a. April 20, 2009 Letter to Executive Officer McKenna from the City of Soledad Re: LAFCO's Sphere of Influence Update Process
- b. May 27, 2009 Letter from Executive Officer McKenna to Nicholas Chiulos, Chief of Intergovernmental Affairs, County of Monterey – Re: Minor Reorganization Proposal – Cities of Del Rey Oaks, Monterey, and Seaside
- c. May 28, 2009 Letter from Executive Officer McKenna to Interested Parties Re: Change to Electronic Delivery of Notices and Agendas
- d. Receive California Special Districts Association Article: Vol. 4, Issue 3, May-June 2009 "A Voice for Local Government at the Capitol – Interview Assembly Member Anna Caballero"

There were no additional items of correspondence to report.

Item 13: Closed Session

a. Pursuant to Government Code Section 54956.9 (b) – Significant Exposure to Litigation.

The Commission will Confer with Counsel Regarding One Matter Involving a Significant Exposure to Litigation.

Chair Donohue called the meeting into closed session.

Chair Donohue reopened the meeting from closed session with no reportable action.

Item 14: Election of Chair and Chair Pro Tempore for a Term Ending in May 2010.

Upon Motion of Commissioner Calcagno, seconded by Commissioner DiMaggio, Commissioner Salinas was elected as Chair and Commissioner Perkins as Chair Pro Tempore for a Term Ending in May 2010, unanimously.

Item 15: Adjournment

On motion of Chair Salinas, there being no objection, the meeting was unanimously adjourned at 5:45 p.m. to the next Regular LAFCO Meeting to be held on Monday, August 24, 2009 at 4:00 p.m. in the Board of Supervisors Chambers, 168 W. Alisal St., First Floor, Salinas, California.

Respectfully Submitted,

Rachelle Jones
LAFCO Clerk